

State of Washington  
Department of Ecology  
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY )  
KEYSTONE FRUIT LLC )  
REQUESTING CHANGE IN THE PLACE OF USE ) Emergency Drought  
AND POINT OF DIVERSION OF WATER UNDER ) Change Authorization  
SURFACE WATER PERMIT NO. S4-26567P )  
)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

**Background**

On May 2, 2001, Keystone Fruit LLC filed an application to change existing water rights in Okanogan County to other property they own in Okanogan County. Irrigation on their lands is authorized under existing interruptible water rights and some water rights not subject to interruption under the Okanogan River Instream Resources Protection Program, WAC 173-549.

WAC 173-166-080 allows the state to authorize temporary transfers of irrigation rights provided that the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

**Surface Water Permit No S4-26567P**

Surface Water Permit No S4-26567P with a priority date of 1980 was issued to Zaser & Longston, Inc., dba Keystone Ranch and authorizes the diversion of 6.0 cubic feet per second (cfs) and 48 acre-feet per year from March 15 through May 31 for frost control of 62 acres of orchard; and 182 acre-feet from April 1 through August 31 and October 1 to October 31 for the irrigation of 46 acres of orchard from the Okanogan River. No water shall be diverted during the month of September. The place of use is Government Lot 2 Section 32; and SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Government Lot 1, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  (being a portion of Government Lot 2) Section 33; All in T. 36 N., R. 27 E.W.M. The points of diversion from the Okanogan River are located approximately; 1.) 675 feet west and 400 feet north from the E $\frac{1}{4}$  corner of Section 32 and; 2.) 400 feet west and 50 feet north from the E $\frac{1}{4}$  corner of Section 32, Both in T. 36 N., R. 27 E.W.M.

The applicant proposes to change the irrigation of up to 35 acres of interruptible water rights of Permit No. S4-26567P to other property they own down river.

The new place of use is located on property currently provided irrigation water under Surface Water Certificate No. 10416 which is not subject to interruption when the Okanogan River falls below the minimum flow levels established in Chapter 173-549-020 WAC. Certificate No. 10416 was granted an Emergency Drought Permit to change its place of use to acres authorized irrigation under Permit No. S4-26567P.

Certificate No. 10416 authorized the irrigation of 115 acres located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, T. 35 N., R. 26 E.W.M.; and Government Lot 3, Government Lot 4, and the south 14.20 acres of Government Lot 2; All in Section 7, T. 35 N., R. 27 E.W.M. The points of diversion from the Okanogan River are located in Government Lots 3 and 4 within Section 7, T. 35 N., R. 27 E.W.M.

The new emergency points of diversion for Surface Water Permit No. S4-26567P will be from the Okanogan River approximately 2 $\frac{1}{2}$  miles down river and located in Government Lots 3 and 4 within Section 7, T. 35 N., R. 27 E.W.M.

To expedite and simplify this decision Ecology has determined that these lands enjoy water rights for a full duty of water for each acre irrigated and will consider transferring a water duty for each acre not irrigated to other lands, based on Surface Water Permit No. S4-26567P.

Approximately 35 acres of irrigation will not occur on the authorized place of use this year under Surface Water Permit No. S4-26567P and it is proposed that this amount of irrigation be transferred down river.



### Conclusions and Decision

Authorizing these changes of water rights down river along the Okanogan River will not impair existing water rights.

This **EMERGENCY DROUGHT CHANGE DECISION** authorizes the transfer of 35 acres of irrigation under Surface Water Permit No. S4-26567P in Okanogan County to property described as follows:

35 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, T. 35 N., R 26 E.W.M.; and Government Lot 3, Government lot 4, and the south 14.20 acres of Government Lot 2; All in Section 7, T. 35 N., R. 27 E.W.M.

A water duty of 0.02 cfs and 4 acre feet per acre is authorized for use on the property.

The points of diversion are the existing pump stations on the Okanogan River located in Government Lots 3 and 4 within Section 7, T. 35 N., R. 27 E.W.M.

### Provisions

The following provisions shall apply to this change authorization:

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (35 acres) formerly irrigated under Surface Water Permit No. S4-26567P that will not be irrigated under this right and the lands (35 acres) to be irrigated at the new place of use as a result of this change.

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

REPORT BY:

Philip N. Kerr  
Philip N. Kerr

DATE: MAY 9, 2001

APPROVED BY:

Robert F. Barwin  
Robert F. Barwin, Section Manager

DATE: 5/10/2001

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